

Notice of Allowability

Application No.

10/056,170

Examiner

Ruth C Rodriguez

Applicant(s)

GARVER, SCOTT A.

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed on 12 April 2005.
2. ☒ The allowed claim(s) is/are 8, 11, 13 and 16-20 that will be renumbered 1-8.
3. ☒ The drawings filed on 24 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

For claim 8, Lundberg discloses a tie comprising a head and an elongated strap. The strap has a longitudinal direction and an end is attached to the head. A first side has at least two longitudinally extending ribs and a second side has at least three longitudinally extending ribs. Each of the ribs is substantially parallel with each other and extends a substantial portion of a longitudinal length of the corresponding side. The longitudinal extending ribs on the first side are spaced apart in a direction transverse to the longitudinal direction. The longitudinally extending ribs on the second side are spaced apart in a direction transverse to the first longitudinal direction. The at least three longitudinally extending ribs on the second side include serrations. Lundberg fails to disclose that the substantial portion of the longitudinal length where each of the ribs extends is the majority of this length. Accordingly, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have all of the rib extends along a majority of the longitudinal length of the corresponding side.

Regarding claim 13, Lankton et al. discloses a tie comprising an elongated strap and a head. The strap has opposite sides and an end. At least one the side has a plurality of rungs. The head is attached to the end and includes a locking slot receiving the strap therein. The locking slot includes opposing walls and each of the walls has

three rib openings and each the wall includes at least one locking tooth. At least one the side of the strap has at least one longitudinally extending rib. Lankton fails to disclose that at least one side has serrations that include one of projections and recesses where at least one of the ribs includes serrations in the rib. Therefore, it would not have been obvious to one having ordinary skill in the art at the time of applicant's invention to have serrations including projection and recesses in at least one of the ribs of one side of the strap instead of having three ribs and two sets of rungs extending between the ribs as disclosed by Lankton.

Wells discloses an electrical tie comprises an elongated strap and a head. The strap has a longitudinal extension and at least one the side includes serrations. The head is attached to an end of the strap and includes a locking slot that receives the strap therein and interconnects with the serrations. The head also includes opposing sides and a perimeter wall extending on each the opposite sides. The perimeter wall includes at least one notch on each the opposite side in the perimeter wall. The at least one notch creates a hinge section allows hinged movement of the head in a direction transverse to the longitudinal extension. However, Wells fails to disclose that the perimeter wall is located on a perimeter of the head. Accordingly, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have a perimeter wall located on a perimeter of the head and extending to both sides of the head that is provided with a notch on each of the opposite sides of the perimeter wall such that a hinge section is created.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should


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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

RCR
RCR

April 21, 2005


ROBERT J. SANDY
PRIMARY EXAMINER